

Hon. Salvador Mendoza, Jr.

Marc Rosenberg
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON AT SPOKANE

ALEX MCVICKER and MARK
MOSS, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

GIGA WATT, INC.; GIGAGWATT
PTE LTD.; CRYPTONOMOS PTE.
LTD.; DAVE CARLSON; LEONID
MARKIN; and EDWARD
KHAPTAKHAEV, a foreign
corporation,

Defendants.

RAYMOND BALESTRA,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

GIGA WATT, INC., ET AL.,

Defendants.

No. 2:18-cv-00103-SMJ

(Consolidated with
No. 2:18-cv-00100)

NOTICE OF ERRATA

Defendants Giga Watt, Inc., Dave Carlson, Leonid Markin, and Edward Khaptakhaev hereby note the following errata in regard to their Rule 12(b)(6) Motion to Dismiss, filed on November 21, 2018. (ECF No. 27).

Based on the allegations in the Complaint, the motion provides the following “facts” accepted as true solely for the motion to dismiss:

- “Mr. Markin has an ownership interest in Giga Watt, and is its financial manager.” (ECF No. 27 at 5), citing (ECF No. 22 at ¶ 43).
- “Mr. Khaptakhaev has an ownership interest in Giga Watt, and is identified as VP of Sales for Giga Watt.” (*Id.*), citing (ECF No. 22 at ¶ 43).

These Defendants wish to make clear that these “facts” were only assumed for purpose of a Rule 12(b)(6) Motion to Dismiss, and that it is errata that a footnote was not provided indicating their position that: (a) Leonid Markin did not hold the position of financial manager at Giga Watt, and (b) Eduard Khaptakhaev did not hold any positions at Giga Watt Inc.

This errata is hereby corrected by the filing of this notice.

Respectfully submitted this 29th day of November, 2018.

By: s/ Marc Rosenberg

Marc Rosenberg, WSBA No. 31034
Of Attorneys for Defendants
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Markin and Edwrd Khaptakhaev

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DECLARATION OF SERVICE

I hereby certify that on this date I filed the foregoing document with the Clerk of the Court using the court's ECF filing system, which will automatically serve the filing on registered users.

Roger M. Townsend rtownsend@bjtlegal.com

Dated this 29th day of November, 2018 at Seattle, Washington.

LEE SMART, P.S., INC.

By: s/ Marc Rosenberg

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